

January 30, 2002

Mr. Fred Rose, Chief  
Stormwater Management Branch  
Fairfax County DPWES  
Suite 449  
12000 Government Center Parkway  
Fairfax, Virginia 22035

Dear Mr. Rose,

I am writing in response to your letter of January 17<sup>th</sup>, 2002 regarding the Total Maximum Daily Load (TMDL) public meeting and public comment process for the Accotink Creek Fecal Coliform TMDL. Your letter focussed on three main issues, namely 1) the pace of the TMDL process for Accotink Creek, 2) the need for an opportunity to review the USGS technical reports, and 3) your concern that only a very small portion of the community took the opportunity to participate in the public meeting.

Regarding the perception that the TMDL process is being rushed, the TMDL as presented at the public meeting is the result of a two-year process that included extensive data collection, data analysis and public participation. The Virginia Departments of Environmental Quality (DEQ) and Conservation & Recreation (DCR) held four public meetings, as well as a number of technical advisory committee meetings with representatives from Fairfax County and Fairfax City. Also, the US Geological Survey (USGS) staff worked very closely with technical staff from the County and City, explaining the process and utilizing local data and expertise whenever possible. The Commonwealth has also accommodated your previous request for an extended public comment period by moving the end of the comment period from January 29<sup>th</sup> to February 28<sup>th</sup>, 2002. As you know, Virginia operates its TMDL program under a consent decree and is bound by the schedule laid out as part of the decree. The fecal coliform TMDL for Accotink Creek is one of 30 TMDLs to be submitted to EPA no later than May 1, 2002. Therefore, we need to continue moving forward with this TMDL.

With respect to your wish to review the USGS technical reports, it is my understanding that the USGS has already provided you with a copy of the bacteria source tracking (BST) report and will provide you a copy of the TMDL report March 2002. Of course, as part of the technical advisory committee, you and your staff have already received the results of all field and laboratory work used in the development of the TMDL. The information and data used in TMDL development were presented in a detailed handout at the public meeting, together with a fact sheet describing the methodology for the BST. The additional technical materials you requested, such as the model uci and wdm files, were provided to you by the USGS on January 24, 2002. Also, please note that prior to official USGS publication of data, all data are called "preliminary" even though no changes to the data are anticipated and the results are considered final. While another extension of the public comment period will not be possible, DEQ and DCR staff will accept comments for five working days after your receipt of the documents for review.

Regarding the extent of public participation at the public meeting, DEQ and DCR share your concerns about involving the community in the TMDL process. To that end, the DEQ Regional Office in Woodbridge made a great effort to publicize the meeting by mailing letters to over 200 stakeholders in the watershed and by advertising the meeting in the Fairfax Journal on January 2<sup>nd</sup>, 2002. In addition, as part of our public participation process, we sent copies of all public notices to an extensive list of interest groups at the time the notice was submitted to the Virginia Register. Unfortunately, the degree of public representation at the meeting was fairly typical for this type of meeting. While it is not feasible to offer an additional public meeting, we will implement your suggestion to notify stakeholders that the materials are accessible and that the comment period was extended.

Staff with DEQ and DCR appreciate all the effort and support Fairfax County has provided in the development of the TMDL and in its proactive approach to TMDL implementation. We look forward to your continuing support of the TMDL program and your work in implementing its requirements and recommendations.

Thank you for your involvement in the Accotink Creek TMDL process and please do not hesitate to contact me at (804) 698-4099 or at [jschneide@deq.state.va.us](mailto:jschneide@deq.state.va.us) if I can be of further assistance.

Sincerely,

Jutta Schneider  
TMDL and Watershed Programs Section  
VA Department of Environmental Quality

Cc: Kate Bennett, VA DEQ  
Charles Martin, VA DEQ  
Mike Shelor, VA DCR  
Mark Bennett, USGS  
file

March 18, 2002

Ms. Adrian Freemont  
City of Fairfax  
10455 Armstrong St.  
Fairfax, VA 22030

Dear Ms. Freemont,

The Virginia Departments of Environmental Quality (DEQ) and Conservation & Recreation (DCR) appreciate your interest in the Accotink Creek fecal coliform bacteria TMDL and want to afford you every opportunity to review and comment upon the TMDL and associated documents.

Enclosed with this letter is the USGS TMDL report for your technical review as well as the Commonwealth's TMDL document, which has been revised to address concerns raised during the public comment period. In balancing the requirements of the TMDL submittal schedule contained in the federal consent decree and the need for sufficient review time by stakeholders, I would ask that you please send me your comments no later than April 3<sup>rd</sup>, 2002.

Again, thank you for your involvement in the Accotink Creek TMDL process and please do not hesitate to contact me at (804) 698-4099 or Ms. Kate Bennett at (703) 583-3896 if you have any questions.

Sincerely,

Jutta Schneider  
Watershed Programs Section  
VA Department of Environmental Quality

Attachments

Cc: Charles Martin, VADEQ  
Kate Bennett, VADEQ  
Charles Lunsford, VADCR

March 18, 2002

Mr. Carl E. Bouchard, Director  
Stormwater Planning Division  
Fairfax County DPWES  
Suite 449  
12000 Government Center Parkway  
Fairfax, Virginia 22035

Dear Mr. Bouchard,

Thank you for your letter dated February 22<sup>nd</sup>, 2002 in reference to the Fecal Coliform Total Maximum Daily Load (TMDL) for Accotink Creek. The Virginia Departments of Environmental Quality (DEQ) and Conservation & Recreation (DCR) appreciate your continued interest in the TMDL and want to afford you every opportunity to review and comment upon the TMDL and associated documents.

Enclosed with this letter is the USGS TMDL report for your technical review. Also enclosed is the Commonwealth's TMDL document, which has been revised to address most of the concerns raised in your letter. In balancing the requirements of the TMDL submittal schedule contained in the federal consent decree and the need for sufficient review time by stakeholders, I would ask that you please send me your comments no later than April 3<sup>rd</sup>, 2002. This extends the 5-day review period suggested in my January 24<sup>th</sup>, 2002 letter.

Carl E. Bouchard  
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Again, thank you for your involvement in the Accotink Creek TMDL process and please do not hesitate to contact me at (804) 698-4099 or Ms. Joan Crowther at (703) 583-3828 if you have any questions.

Sincerely,

Jutta Schneider  
Watershed Programs Section  
VA Department of Environmental Quality

Attachments

Cc: Alan Pollock, VADEQ  
Charles Martin, VADEQ  
Joan Crowther, VADEQ  
Charles Lunsford, VADCR  
Mark Bennett, USGS  
Tom Henry, EPA Region 3  
Fred Rose, DPWES

April 23, 2002

Mr. Carl E. Bouchard, Director  
Stormwater Planning Division  
Fairfax County DPWES  
Suite 449  
12000 Government Center Parkway  
Fairfax, Virginia 22035

Dear Mr. Bouchard,

Thank you for your letter dated April 8, 2002 providing comment on the Draft TMDL for Accotink Creek. The Virginia Departments of Environmental Quality (DEQ) and Conservation & Recreation (DCR) appreciate your suggestions. The USGS is already working to address the technical and editorial comments you provided about their report. With respect to your concern about the waste load allocation for the County's MS4 system, DEQ realizes that the WLA is a gross estimate of the loading transported by the MS4. While the state is required by USEPA to express loadings from permitted facilities as WLAs, it is expected that the TMDL would be represented in the MS4 permit not as a numeric limit but as a requirement for pollutant-specific best management practices. Therefore, the Commonwealth's TMDL document states on page 10 that the permit requirement for this TMDL would be the implementation of fecal coliform specific BMPs. Your letter also reiterated your concerns about unrealistic scenarios as represented by the TMDL requirement for reductions in wildlife loadings. As stated in the TMDL document on page 11, DEQ agrees that attaining reductions of such magnitude may be unrealistic. A section has also been added to state that a use attainability analysis may become necessary for Accotink Creek. However, current regulations require that TMDLs are developed to meet the current water quality standard applicable to the waterbody of concern. To meet the existing water quality standard for fecal coliform bacteria, it was necessary to simulate reductions in wildlife loading. As part of the Commonwealth's staged implementation approach, milestones for implementation activities as well as a water quality standards review for Accotink Creek can be developed and included in the TMDL implementation plan.

The revised Accotink Creek fecal coliform TMDL will be sent to EPA for approval on or before May 1, 2002. We look forward to working with you during the development of the TMDL implementation plan when issues such as specific management practices and implementation milestones will be discussed and prioritized. Currently, we anticipate that a TMDL implementation plan will be developed within the next two years, allowing for completion of the

Carl E. Bouchard  
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USGS study you reference in your letter. Beyond the implementation plan, TMDL implementation should occur within 5 years.

Again, thank you for your involvement in the Accotink Creek TMDL process and please do not hesitate to contact me at (804) 698-4099 or Ms. Kate Bennett at (703) 583-3896 if you have any questions.

Sincerely,

Jutta Schneider  
Watershed Programs Section  
VA Department of Environmental Quality

Cc: Alan Pollock, VADEQ  
Charles Martin, VADEQ  
Joan Crowther, VADEQ  
Charles Lunsford, VADCR  
Mark Bennett, USGS  
Tom Henry, USEPA

April 23, 2002

Ms. Adrian Freemont  
City of Fairfax  
10455 Armstrong St.  
Fairfax, VA 22030

Dear Ms. Freemont,

Thank you for your letter dated April 1, 2002 providing comment on the Draft TMDL for Accotink Creek. The Virginia Departments of Environmental Quality (DEQ) and Conservation & Recreation (DCR) appreciate your suggestions. The information you provided with respect to the current City of Fairfax efforts relating to water quality and stormwater management in the Accotink Creek watershed has been included in the state's TMDL report. The Accotink Creek fecal coliform TMDL will be sent to EPA for approval on or before May 1, 2002.

We look forward to working with you during the development of the TMDL implementation plan when issues such as specific management practices and implementation milestones will be discussed and prioritized. Currently, we anticipate that a TMDL implementation plan will be developed within the next two years, allowing for completion of the USGS study you reference in your letter. Beyond the implementation plan, TMDL implementation should occur within 5 years.

Again, thank you for your involvement in the Accotink Creek TMDL process and please do not hesitate to contact me at (804) 698-4099 or Ms. Kate Bennett at (703) 583-3896 if you have any questions.

Sincerely,

Jutta Schneider  
Watershed Programs Section  
VA Department of Environmental Quality

Cc: Charles Martin, VADEQ  
Kate Bennett, VADEQ  
Charles Lunsford, VADCR